

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

STATE OF TEXAS, <i>et al.</i> ,	)	
	)	
<i>Plaintiffs,</i>	)	
v.	)	
	)	Civil Action No. 3:15—cv—0162
UNITED STATES	)	
ENVIRONMENTAL PROTECTION	)	
AGENCY, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	

**STATES' NOTICE OF FILING  
IN THE DISTRICT COURT OF SOUTH CAROLINA**

TO THE HONORABLE GEORGE C. HANKS, JR.:

The States of Texas, Louisiana, and Mississippi (“States”) hereby notify the Court of the attached complaint filed by environmentally-focused organizations, including the Natural Resources Defense Council and National Wildlife Federation (Intervenor-Defendants in the present case), in the District of South Carolina. *See Exhibit A, South Carolina Coastal Conservation League v. Wheeler*, No. 2:19-cv-03006 (Oct. 23, 2019, D.S.C.) As promised, Intervenor-Defendants have sought vacatur of the Repeal Rule<sup>1</sup> based on perceived violations of the Administrative Procedure Act (“APA”).

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<sup>1</sup> Definition of “Waters of the United States”-Recodification of Pre-Existing Rules, 84 Fed. Reg. 56,626 (Oct. 22, 2019).

Last year, an identical group of plaintiff organizations successfully persuaded the District of South Carolina to enjoin the Applicability Rule<sup>2</sup> nationwide, also based on violation of the APA. See *South Carolina Coastal Conservation League v. Pruitt*, 318 F. Supp. 3d 959 (D.S.C. 2018). The District of South Carolina's action on the Applicability Rule was the impetus for a series of expedited filings in this Court (Dkts. 130-136) prior to the Court preliminarily enjoining the 2015 WOTUS Rule<sup>3</sup> in Texas, Louisiana, and Mississippi. Dkt. 140.

Respectfully submitted,

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<sup>2</sup> Definition of "Waters of the United States"—Addition of an Applicability Date to 2015 Clean Water Rule, 83 Fed. Reg. 5,200 (Feb. 6, 2018). Sometimes called the "Applicability Date Rule" or "Suspension Rule."

<sup>3</sup> Clean Water Rule: Definition of "Waters of the United States," 80 Fed. Reg. 37,054 (June 29, 2015)

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**CERTIFICATE OF SERVICE**

I certify that on October 28, 2019, a copy of the foregoing document was electronically filed on the CM/ECF system, which will automatically serve a Notice of Electronic Filing on all attorneys in this case.

/s/ J. Amber Ahmed  
J. AMBER AHMED